



TERRY E. BRANSTAD  
GOVERNOR

**OFFICE OF THE GOVERNOR**

KIM REYNOLDS  
LT. GOVERNOR

March 14, 2012

The Honorable Matt Schultz  
Secretary of State of Iowa  
State Capitol Building  
LOCAL

Dear Mr. Secretary:

I hereby transmit:

Senate File 2292, an Act to legalize the proceedings of the City Council of Ankeny, Iowa, including all legal notices given, in connection with the making of a contract for the construction of certain improvements to the NE 7<sup>th</sup> Street Sanitary Sewer Improvement Project with Pirc-Tobin Construction, INC. of Alburnett, Iowa, in connection with, and to legalize said contract, and authorize its performance by said council and the financing including project notes issued thereof.

The above Senate File is hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry E. Branstad".

Terry E. Branstad  
Governor

cc: Secretary of the Senate  
Clerk of the House



Senate File 2292

AN ACT

TO LEGALIZE THE PROCEEDINGS OF THE CITY COUNCIL OF ANKENY, IOWA, INCLUDING ALL LEGAL NOTICES GIVEN, IN CONNECTION WITH THE MAKING OF A CONTRACT FOR THE CONSTRUCTION OF CERTAIN IMPROVEMENTS TO THE NE 7TH STREET SANITARY SEWER IMPROVEMENT PROJECT WITH PIRC-TOBIN CONSTRUCTION, INC. OF ALBURNETT, IOWA, IN CONNECTION WITH, AND TO LEGALIZE SAID CONTRACT, AND AUTHORIZE ITS PERFORMANCE BY SAID COUNCIL AND THE FINANCING INCLUDING PROJECT NOTES ISSUED THEREOF.

WHEREAS, on August 15, 2011, the City Council passed a resolution ordering the construction of certain improvements to the NE 7th Street Sanitary Sewer Improvement Project of said City, and directed publication of a Notice of Hearing and Letting, pursuant to the provisions of Chapters 26 and 384 of the Code of Iowa, 2011; and

WHEREAS, on September 19, 2011, said City entered into a contract for the construction of said improvements, covered by the resolution ordering construction hereinabove mentioned, with Pirc-Tobin Construction, Inc., which company thereafter filed its performance and maintenance bond with the City; and

WHEREAS, said construction work has now been commenced and a portion completed by said contractor, and said contractor has been partially paid for such work from available bond proceeds of said City; and

WHEREAS, doubts have arisen concerning the legality of the construction contract due to the omission of the publication of Notice of Hearing and Letting as required by Section 26.3 of the Iowa Code, and further due to said omission, doubts have arisen concerning the power of the Council to order disbursement of additional funds to the contractor and to issue and sell bonds to pay for the remaining cost of said

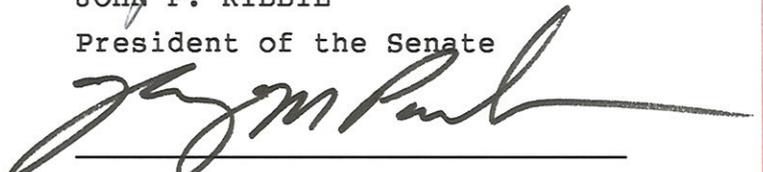
improvements, and it is deemed advisable to put such doubts forever at rest; NOW THEREFORE,  
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. All proceedings heretofore taken by the City Council of Ankeny, Iowa, including all legal notices given, in connection with and pertaining to the execution of the contract with Pirc-Tobin Construction, Inc. of Alburnett, Iowa, on September 19, 2011, for the construction of certain improvements to the NE 7th Street Sanitary Sewer Improvement Project of said City and said contract itself, are hereby legalized, validated and confirmed, and shall constitute full authority for the said City Council to order the disbursement of the funds, including notes and bond funds, of said City to said contractor, and to issue and sell general obligations bonds, in the manner prescribed by law, to pay for the costs of said improvements, and said bonds when so issued, shall be valid, legal and binding obligations of said City.

Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, shall be in full force and effect upon enactment.

  
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JOHN P. KIBBIE

President of the Senate

  
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KRAIG PAULSEN

Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2292, Eighty-fourth General Assembly.

  
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MICHAEL E. MARSHALL

Secretary of the Senate

Approved March 14, 2012

  
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TERRY E. BRANSTAD

Governor